

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MELANIE FLANDERS,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/6/2024

21 Civ. 2867 (AT) (BCM)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

Plaintiff, Melanie Flanders, filed this social security action on April 3, 2021. ECF No. 1. On April 15, 2021, the Court referred the matter to the Honorable Barbara C. Moses. ECF No. 7. After a remand to the Social Security Administration (“SSA”) and an award of past-due benefits, Plaintiff now seeks an award of \$16,267.25 to her attorneys, payable out of her past-due disability benefits, for the work that counsel performed in this action. ECF No. 35; ECF No. 36 ¶ 7.

After careful consideration, Judge Moses issued a Report and Recommendation (the “R&R”), recommending that Plaintiff’s motion be granted. *See generally* R&R, ECF No. 42. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has now passed. *See* R&R at 8; Fed. R. Civ. P. 72(b)(2). Because no objection was made, the Court reviews the R&R for clear error. *Santiago v. Colvin*, No. 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error in Judge Moses’ thorough and well-reasoned R&R.

Accordingly, the Court ADOPTS Judge Moses’ R&R in its entirety. The SSA is directed to approve a payment of \$16,267.25 to Plaintiff’s counsel, out of her past-due benefits, pursuant to 42 U.S.C. § 406(b). Counsel for Plaintiff shall, upon receipt of the § 406(b) award, refund \$7,075.00 to Plaintiff.

SO ORDERED.

Dated: December 6, 2024
New York, New York



ANALISA TORRES
United States District Judge